

## AGENDA

### COMMITTEE ON HUMAN RESOURCES/INSURANCE

February 4, 2008  
Aldermen Gatsas, Lopez,  
Pinard, Shea, Garrity

4:30 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)

1. Chairman Gatsas calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Virginia Lamberton, Human Resources Director, requesting an amendment to Section 33.064(B)(2) of the Code of Ordinances which addresses sick leave benefits for Fire and Police Department employees.  
**Gentlemen, what is your pleasure?**

#### TABLED ITEMS

*A motion is in order to remove the following item from the table.*

4. Communication from Mayor Guinta, proposing a new department of Facilities, Grounds and Recreation through the consolidation of the Parks, Recreation and Cemetery Department with the Facilities Division of the Highway Department.  
**(Note: Item includes new classification of Facilities, Grounds and Recreation Director forwarded by Human Resources Director)**  
*(Tabled 1/23/08)*
5. If there is no further business a motion is in order to adjourn.



# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065  
www.ManchesterNH.gov



January 28, 2008

Alderman Ted Gatsas, Chairman  
Human Resource and Insurance Committee  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: Request to Revise Ordinance

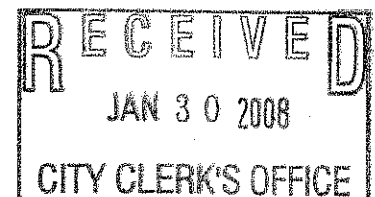
Dear Alderman Gatsas and Members of the Committee:

On behalf of Tom Arnold, Deputy City Solicitor, I am requesting a change to Ordinance 33.064(B)(2).

Ordinance § 33.064 (B) (2) provides that an injured Fire or Police Department employee may receive sick leave benefits pending a determination of eligibility for workers compensation benefits. For many years the past practice of the city has been to require the injured employee to repay the sick leave benefits he or she received upon a determination that he or she is entitled to workers compensation benefits. Upon repayment the employee's sick leave credit is restored.

The New Hampshire Supreme Court has recently ruled that Ordinance § 33.064 (B) (2) does not provide or require that an injured employee repay sick leave benefits. It only requires that the sick leave benefits be restored upon a determination of eligibility for workers compensation benefits. The Supreme Court's ruling has the effect of allowing an injured employee to be triple paid by receiving workers compensation benefits, sick leave and the restoration of sick leave benefits upon a determination of eligibility for workers compensation benefits. The Supreme Court noted that "[s]hould the City disagree with our plain language construction of the ordinances, it is free to amend them as it sees fit."

The attached ordinance amendment is for the purpose of continuing the City's past practice of requiring repayment of sick leave benefits upon a determination of eligibility



3-1

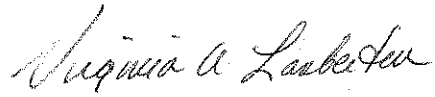
January 29, 2008

for workers compensation benefits and prior to a restoration of sick leave credits and will prevent injured Fire or Police Department employees from receiving **triple pay**. Further, based upon a previous ruling by the N.H. Public Employee Labor Relations Board, employees covered under other collective bargaining agreements may otherwise receive **triple** payments as well.

The proposed revision to the Ordinance is attached to this letter for your review and approval.

Your favorable approval of this request would be greatly appreciated.

Respectfully submitted,



Virginia A. Lamberton  
Human Resource Director

Attachment

Cc: Tom Arnold, Deputy City Solicitor

# City of Manchester New Hampshire

*In the year Two Thousand and Eight*

## AN ORDINANCE

"Amending Section 33.064(B)(2): Employees Injured in the Line of Duty of the Code of Ordinances of the City of Manchester by requiring the repayment of sick leave benefits upon a determination of employee eligibility for workers compensation benefits by employees of the Police and Fire Departments."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.064 of the Code of Ordinances by deleting language stricken (—) and inserting new language as bolded (**bold**). Language of Section 32.064 not struck through or bolded remains unchanged.

### **§33.064 EMPLOYEES INJURED IN THE LINE OF DUTY.**

(B) For employees of the Police Department and employees of the Fire Department the following shall apply:

(2) Pending determination of **workers** compensation eligibility, the employee may receive sick leave benefits. On a determination **that the employee is eligible of eligibility for workers compensation benefits, the employee shall repay to the city all sick leave benefits the employee has received. Upon repayment** sick leave credits shall be restored.

- II. This ordinance shall take effect upon its passage.



# CITY OF MANCHESTER

## Office of the City Clerk

1-23-08  
Tabled



Carol A. Johnson  
City Clerk

Matthew Normand  
Deputy City Clerk

Memo To: Committee on Human Resources/Insurance

From: Carol A. Johnson  
Deputy City Clerk

Date: January 18, 2008

Re: Agenda Item – 1/23/2008  
Proposal of New Department of Facilities, Grounds & Recreation

The above referenced communication from Mayor Guinta (previously forwarded) has been referred to the Committee on Human Resources and the Committee on Administration. It was inadvertently left off of the agenda, but presumably should be considered and tabled pending report from the Committee on Administration, unless other action is desired by the Committee.

C: Mayor and All Aldermen  
Tim Clougherty  
Charles DePrima  
Virginia Lamberton  
Kevin Sheppard



# City of Manchester

Office of the Mayor  
Hon. Frank C. Guinta

January 16, 2008

The Honorable Board of Aldermen  
One City Hall Plaza  
Manchester, NH 03101

SUBJECT: Proposal of New Department of Facilities, Grounds & Recreation

Dear Members of the Board:

Since the departure of Parks, Recreation & Cemetery Director Ron Ludwig early last Spring, I have had considerable time to review how the city should move forward in addressing the vital functions of this department and the burgeoning fiscal crisis of the Recreation Enterprise Fund. I remain extremely concerned with the business model of the enterprise and fear that if strong action is not taken soon, our bond rating could be adversely affected.

I am also concerned with maintaining necessary city services in a time where residents want lower property taxes. As this Board is well aware, finding ways to make government more efficient has been a primary goal of my administration and is essential if the tax rate is to remain comparatively low. I know that you share these concerns with me and are equally concerned that the services we provide people remain superior.

Keeping these principles in mind, I have decided to propose to this Board the formation of a new city department that consolidates the Parks, Recreation & Cemetery Department with the Facilities Division of the Highway Department. Please find attached a proposed organizational chart for the department and a job description for the proposed department head.

Furthermore, I want to make the following recommendations/clarifications:

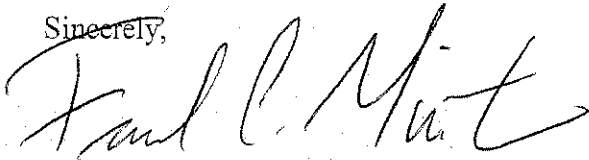
- Although I am specifically recommending this particular consolidation, I am not opposed to seeking alternatives (specifically consolidating Parks & Recreation into Public Works.) However, I believe that the synergies between Facilities and Parks are considerable and prefer this route to that of creating a mega-department in the form of Public Works.

4-2

- If this plan is adopted, it is my intention to nominate Mr. Tim Clougherty as the Director. Mr. Clougherty is an able leader who has gained the respect of city officials and workers alike. His efforts at Facilities Division have greatly improved efficiency within that department, saving taxpayers money while providing quality service.
- No positions are eliminated as part of this consolidation except for the Chief of the Facilities Division. The net savings yielded by this proposal will be \$99,395 in salary alone.
- Improved leadership/innovation are necessary to save the Recreation Enterprise and to prevent the bond rating agencies from downgrading our bond rating due to that fund's mounting deficit. Mr. Clougherty is not only an exemplar employee; he is also a dedicated hockey player who is familiar with our existing enterprise facilities. Whatever changes he makes to the Enterprise will not have a negative impact upon the current users of those facilities.
- Greater interdepartmental cooperation will ensue which will improve morale and lead to greater efficiencies.
- Potential future cost savings are undetermined although they seem likely. Mr. Clougherty has indicated to me that he will not seek significant changes in policy or personnel without further input from employees and the public.

I am sending this proposal to the Committee on Administration for its consideration and am forward the job classification to the Committee on Human Resources & Insurance. I believe that after carefully reviewing this proposal, the Committees will agree with me that this plan makes sense and will benefit the city greatly in the future.

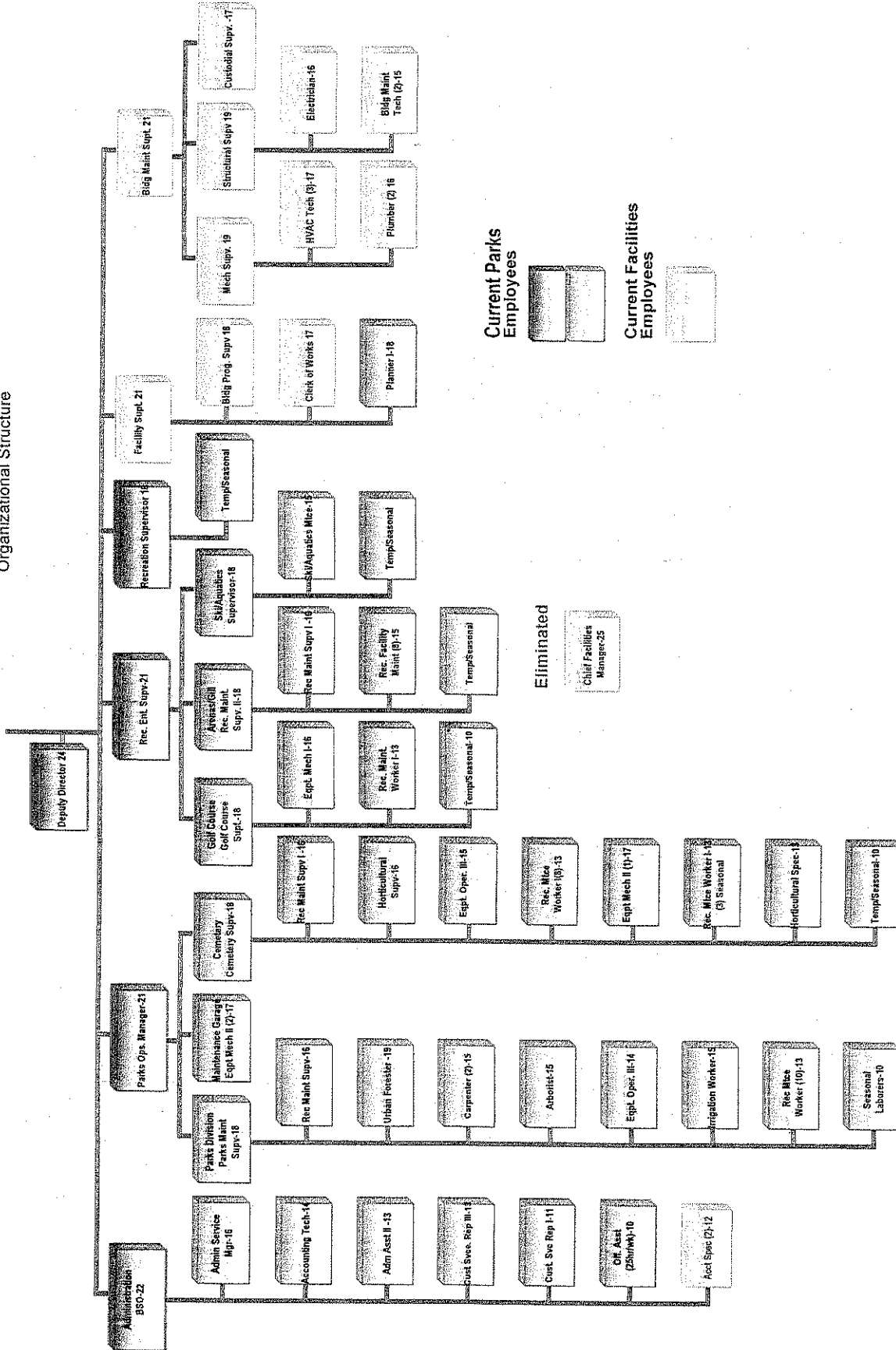
Sincerely,



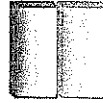
Frank C. Guinta  
Mayor

# Department of Facilities, Grounds, and Recreation Organizational Structure

Director 29



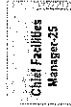
Current Parks  
Employees



Current Facilities  
Employees



Eliminated



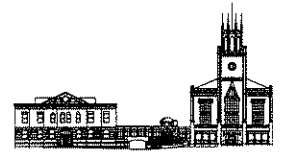
Chief Facilities  
Manager-25



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January 16, 2008

Alderman Ted Gatsas, Chairman  
Human Resource and Insurance Committee  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

### Re: Request for Reclassification

Dear Alderman Gatsas and Members of the Committee:

On behalf of Mayor Guinta, I am requesting the reclassification of the Parks, Recreation and Cemetery Director, salary grade 28, to a new classification of Facilities, Grounds and Recreation Director, salary grade 29. This request is in conjunction with the Mayor's request to consolidate the Facilities Division at the Highway Department into the Parks, Recreation and Cemetery Department.

The new organizational structure would include a department of Facilities, Grounds and Recreation with four divisions. The divisions would be Parks, Recreation, Cemeteries and Facilities.

In addition to many efficiencies organizationally, there would be an immediate savings due to the elimination of the current Chief Facilities Manager position. The current salary on an annual basis for this position is \$91,530.

I am attaching a copy of the proposed class specification for the Buildings, Grounds and Recreation Director for your review and approval.

I would be happy to answer any questions that you might have regarding this reclassification.

Your favorable approval of this request would be greatly appreciated.

Respectfully submitted,

Virginia A. Lamberton  
Human Resource Director

Attachment

**DRAFT**

# City of Manchester, New Hampshire

## Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	<b>Facilities, Grounds and Recreation Director</b>
<b>Class Code Number</b>	4252-29

### General Statement of Duties

Plans, organizes and directs the operational, maintenance and activities of the Facilities, Grounds and Recreation Department to include the Division of Parks, Division of Recreation, Division of Cemeteries and Division of Facilities.

### Distinguishing Features of the Class

The principal function of an employee in this class is to provide administrative oversight to all operations and activities of the Department of Facilities, Grounds and Recreation. The work is performed under the supervision and direction of the Board of Mayor and Aldermen, but extensive leeway is granted for the exercise of independent judgment and initiative. Supervision and direction is exercised over the work of all employees within the Divisions of Parks, Recreation, Cemetery and Facilities. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, the Board of Mayor and Aldermen, business and community groups, the School District, other recreational jurisdictions, State and Federal officials, representatives of the media and the public. The principle duties of this class are performed in a general office environment.

### Examples of Essential Work (illustrative only)

- Plans, organizes, directs and evaluates the work of the Departmental Managers in implementing the expressed goals, policies and directives of the Department of Facilities, Grounds and Recreation;

- Develops policies and procedures designed to increase the efficiency and effectiveness of departmental operations.
- Develops and administers the departmental budget;
- Coordinates and manages major capital improvement contracts relating to City buildings, parks and cemeteries;
- Knowledge of trust fund administration and State Attorney General Office, laws governing trust funds;
- Identifies outsourcing needs, administers and supervises all contracts for consultant services to include architects, mechanical, civil, electrical and environmental engineers (excluding the airport);
- Directs, develops, administers and monitors budgets including capital and replacement functions, innovative organization, planning for future needs and reviewing as well as implementing all purchases and construction;
- Prepares reports and correspondence relating to departmental activities to meet regulatory requirements, documents activities and efficiency of operations, develops plans and improvements, responds to requests from elected officials and the public to ensure the public is being well served;
- Plans for the development of activities to ensure the attainment of customer needs and public support of Department programs;
- Coordinates special events with business organizations and community groups;
- Serves as the chief spokesperson for the Department;
- Plans for the acquisition and development of properties and buildings in connection with public parks properties and related areas designed to improve the quality of life within the City of Manchester;
- Responsible for the various aspects of human resource administration to include hiring, termination, grievance procedures, collective bargaining, employee training, etc. etc.;
- Performs special projects for the Board of Mayor and Aldermen;
- Keeps Mayor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
**(at time of appointment)**

- Comprehensive knowledge of current principles, practices and operations associated with buildings, construction, maintenance, grounds, recreation activities and cemeteries within a municipality;

- Comprehensive knowledge of current principles and practices of public administration;
- Comprehensive knowledge of budgetary principles within a municipality;
- Comprehensive knowledge of current applicable federal, state and local laws, rules and regulations for building construction and management operations;
- Comprehensive knowledge of building design construction and maintenance;
- Thorough knowledge of engineering principles and practices including mechanical, electrical and energy management systems;
- Thorough knowledge of current developments in the field of building and grounds construction techniques and management practices;
- Ability to organize and direct procedures for budget preparation, supply, purchasing, facility maintenance, financial reporting and human resource administration;
- Ability to demonstrate compliance with all applicable rules and regulations and to operate a safe, effective department within budget;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

#### **Acceptable Experience and Training**

- Graduation from an accredited college or university with a Bachelor's Degree in Engineering, Construction Management, Business Administration, Parks and Recreation; or a related field; and
- Considerable experience in the administration of buildings, facilities and program management; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

**Required Special Qualifications**

- Possession of a NH driver's license or access to transportation.

**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to monitor assigned areas;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a vehicle;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to all areas of the City.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_